

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 27, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #1999A for Community Unit Plan

**PROPOSAL:** To adjust the rear setback down to 0' for Lots 9-23, Block 2, and down to 10' for Lots 8-34, Block 7 for an attached single-family and townhome development of approximately 66 units between Wilderness Hills and Whispering Winds Blvds.

**LOCATION:** Northeast of the intersection of South 27<sup>th</sup> Street and Whispering Wind Blvd.

**LAND AREA:** Approximately 64.35 Acres (entire CUP)

**CONCLUSION:** Subject to the modifications noted in the conditions of approval, this request is consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. The legal notice for this request needs to be revised to include a waiver to the minimum lot depth adjacent to a major street. The recommendation is for deferral to allow two weeks re-advertisement of the notice.

**RECOMMENDATION:**

Deferral

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 5, 14, 15, 37, 38, 39 and portions of Lots 12, 16, 17, 20, and 36, located in Section 30-9-7, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3 Residential, R-5 Residential

**EXISTING LAND USE:** Agricultural land being prepared for development.

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial/Office (under development)	O-3, B-2
South:	Agriculture	AG
East:	Agriculture	AG
West:	Residential & Golf Course	R-3

**COMPREHENSIVE PLAN SPECIFICATIONS:** Page F17 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available

capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

**Page F18** - Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

**Page F20 & F21** - Principles of mixed-use development.

**Page F31** - Tier 1 Priority Areas - This site is within the Future Service Limit. The remainder of the section is within Tier 1, Priority Area A. That area within the Future Service Limit can be served by city utilities; those lands in Priority Area A are designated to receive city services within the next 12 years.

**Page F87** - Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs.

**HISTORY: June 24, 2004** - Annexation #02012, Change of Zone #3423 from AG to R-3, R-5, O-3 and B-2, Special Permit #1999 for Community Unit Plan, and Use Permit #154 for retail/commercial for Wilderness Hills were approved.

### **ANALYSIS:**

1. The Wilderness Hills project approved in June of this year is part of an overall conceptual plan showing the phased development of the section of land bounded by Yankee Hill and Rokeby Roads, and by South 27<sup>th</sup> and South 40<sup>th</sup> Streets. This first phase provides for approximately 640 residential units and 500,000 square feet of commercial floor area.
2. The community unit plan (CUP) approved by Special Permit #1999 provides for a mix of residential uses in areas zoned R-3 and R-5. The uses include single-family (both detached and attached), townhouses, and apartments.
3. The site layout proposed for this development modifies the original street and lot configuration approved by the Wilderness Hills CUP, but could have been approved administratively by the Planning Director if additional waivers were not required. However, any waivers not originally approved as part of the original CUP must be approved by the City Council.
4. To facilitate pedestrian access to the adjacent arterial street sidewalk system, and to the pocket park shown in Outlot D and the open space in Outlot C, a sidewalk should be extended across both Outlots C and D to South 27<sup>th</sup> Street in line with Rockport Drive.

5. The application requests five waivers (each is discussed individually below):

A. Waive the maximum allowed block length - As measured, the block length is actually less than 1,320' and a waiver is not required.

B. Allow double-frontage lots - This request applies to Lots 1-23, Block 2, but is actually not required. There is an outlot along the rear of these lots that separates them from either South 27<sup>th</sup> Street or Wilderness Hills Blvd so a double-frontage condition does not exist.

C. Allow lots less than 120' in depth along arterial streets - The outlot separating Lots 9-23, Block 2 from South 27<sup>th</sup> Street means these lots do not actually abut an arterial street and the standard does not apply. For Lots 5-8, Block 2, it appeared that Outlot G separated them from South 27<sup>th</sup> Street. During a subsequent meeting with the applicant, it was noted that Outlot G is actually a small open space adjacent only to Lots 5 and 6, and that the larger area mistaken for outlot is actually land to be dedicated as right-of-way for South 27<sup>th</sup> Street. A note should be added to clearly label this land to be dedicated as right-of-way. This was identified after the legal notice was published, and as a result it must be re-advertised to include the additional waiver.

D. Allow lot lines not radial to the streets - This condition does exist for several lot lines throughout this portion of the CUP, but the Subdivision Ordinance allows the standard to be waived by staff. In this case, staff does not object to lot line adjustment.

E. Adjust the rear setback for Lots 9-23, Block 2 down to 0', and down to 10' for Lots 8-34, Block 7 - This waiver was not approved as part of the original CUP, and cannot be approved administratively. For Lots 9-23, which are those lots between South 27<sup>th</sup> Street and Keystone Drive, Outlot F separates them from South 27<sup>th</sup> Street. This outlot varies from approximately 15' to 45' in width. The developer is proposing to create this outlot so that a uniform landscape screen can be controlled and maintained along South 27<sup>th</sup> Street. Staff has met with the applicant and is recommending this setback be adjusted to 5' instead of 0'. This will provide a minimum effective setback of 20' from the edge of the South 27<sup>th</sup> Street right-of-way and the townhomes. This is consistent with the front setback in the R-3 and will maintain an adequate separation between the homes and the street in this area.

For Lots 8-34, which are the lots between Keystone Drive and South 28<sup>th</sup> Street, the request is to adjust the rear setback down to 10' to allow for a common open space at the rear of the lots. This open space is in an outlot, and varies in width from approximately 20' to 40'. The setback combined with the outlot serve to provide adequate open space and separation in this area.

6. In most all cases, adequate area exists to meet the height and area regulations for the R-3 district if the outlots were combined with the adjacent lots. The concept of reducing lot area and seeking waivers to provide common open spaces or uniform screening/landscaping is allowed with a CUP. With the adjustments to the rear setback as modified by staff, the site plan allows for an acceptable separation between buildings and streets, and provides adequate amounts of open space.
7. A landscape screen is required for Lots 5-8, Block 2. Lots 9-23, Block 2 are not adjacent to an arterial street, and a landscape screen is not required. However, as the waiver to the rear setback is requested for Lots 9-23 to provide for a uniformly landscaped area, the site plan should show at least the minimum screening required for lots adjacent to a major street (50% to 6' in height). Additional screening/landscaping can be installed, but this will ensure a minimum amount is provided in Outlot F.
8. It is noted that a street name change has been requested to allow Keystone Drive as shown on the site plan. This proposed name change is being reviewed by the Street Naming Committee.
9. There are other minor corrections required on the site plan which are noted as conditions of approval.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 Revise the references in General Notes #22 and #23 and in CUP Site Note #7 from "Two-family" to "Single-family Attached."
- 1.1.2 Revise the Waiver Table by deleting waivers #1, #2, #4, and #5, and by amending #6 to note the rear setback for Lots 9-23 is adjusted to 5'.
- 1.1.3 Revise the title of the Waiver Table to read "WAIVER TABLE (CITY OF LINCOLN LAND SUBDIVISION AND ZONING REGULATIONS)."
- 1.1.4 Indicate the purpose of Outlot C, Block 2.

- 1.1.5 Show a sidewalk extending across both Outlots C and D connecting the sidewalk along South 27<sup>th</sup> Street to the sidewalk along South 28<sup>th</sup> Street in line with Rockport Drive.
- 1.1.6 Add Note #10 to CUP Site Notes that reads "THE LANDSCAPE SCREEN ALONG SOUTH 27<sup>TH</sup> STREET WILL MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF LINCOLN DESIGN STANDARDS, CHAPTER 3.5, SECTION 7.4.
- 1.1.7 Show the additional easements per the L.E.S review.
- 1.1.8 Revise the typical street cross sections to include sidewalks.
- 1.1.9 Label the area along South 27<sup>th</sup> Street near the intersection with Wilderness Hills Blvd to be dedicated as right-of-way
- 1.2 Make revisions and corrections noted in the Public Works and Utilities' review to the satisfaction of Public Works and Utilities.
- 1.3 Make revisions and corrections noted in the Parks and Recreation Department's review.
- 1.4 The street name change to Keystone Drive must be approved by the Street Name Committee.
- 2. This approval adjusts the rear setback for Lots 9-23, Block 2 to 5', and for Lots 8-34 Block 7 to 10', for Wilderness Hills CUP as shown on the revised site plan.

General:

- 3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

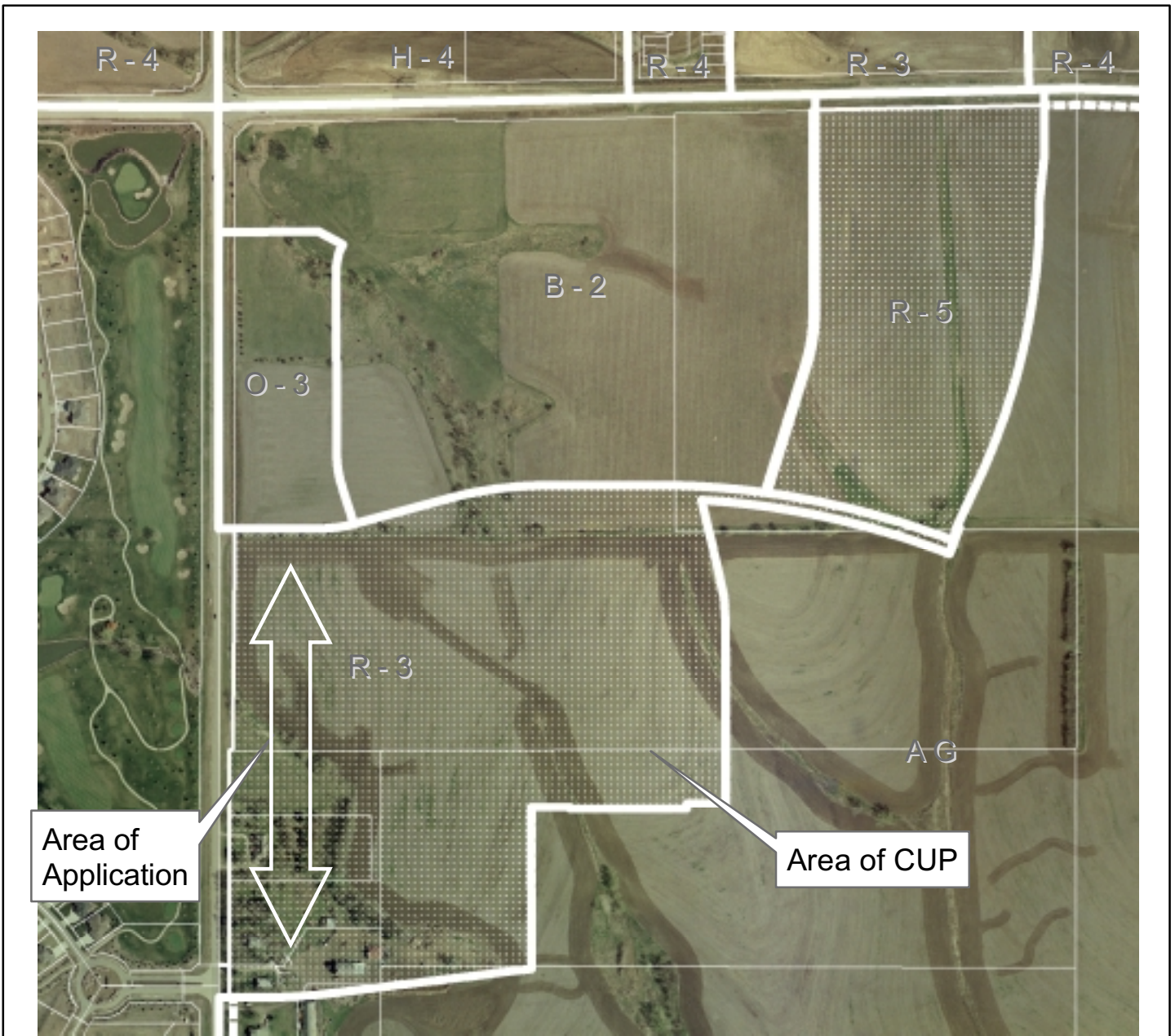
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Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
October 15, 2004

**APPLICANT/**

**OWNER:** Lincoln Federal Bancorp, Inc.  
1101 N Street  
Lincoln, NE 68508 (402) 474-1400

**CONTACT:** Jason Thiellen  
EDC  
2200 Fletcher Avenue  
Lincoln, NE 68521 (402) 438-4014

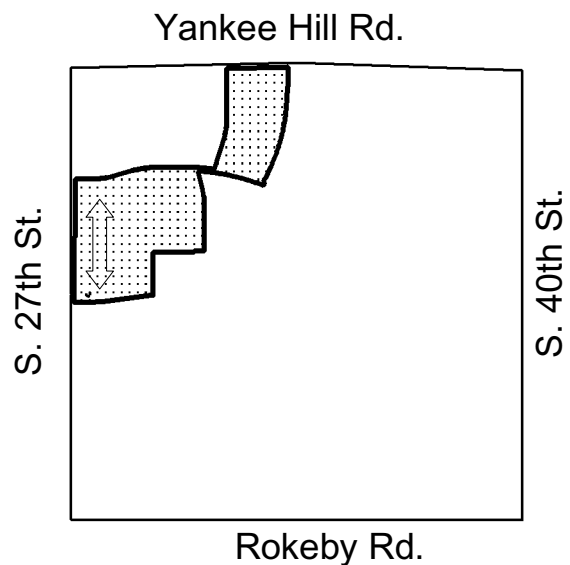
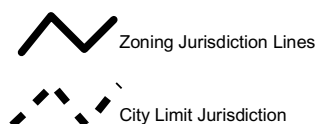


## Special Permit #1999A S. 27th St. & Yankee Hill Rd.

### Zoning:

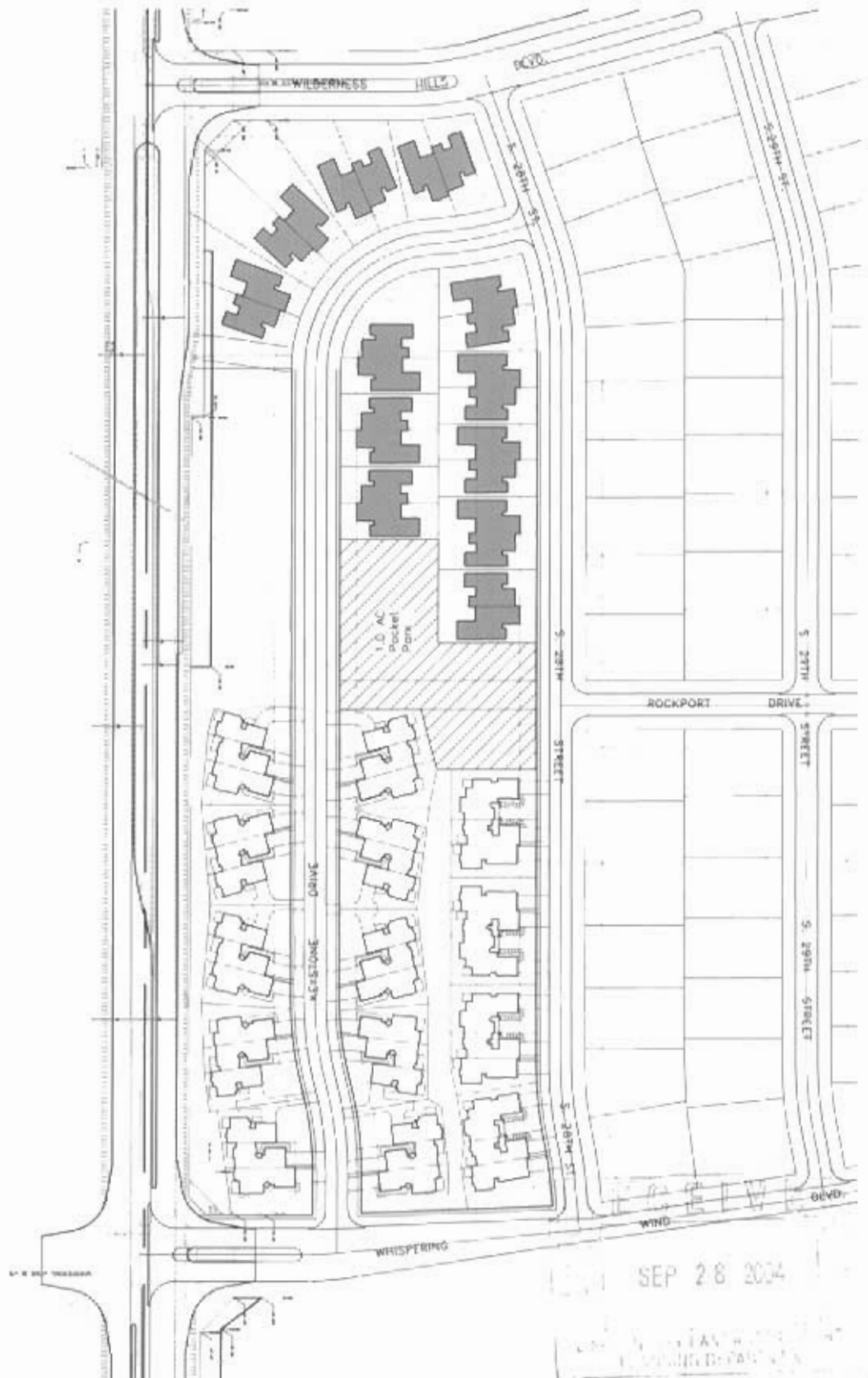
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 30 T09N R7E









2000 Franklin Ave. Suite 102 Lincoln, NE 68502  
402-438-4214 Fax 402-438-4025

**WILDERNESS HILLS  
TOWNHOUSE EXHIBIT  
LINCOLN, NEBRASKA**

Drawn By: LEF  
Dwg.: Site plan - 083004  
Date: 09/13/04  
Job#: C4-025

**SHEET  
1 OF 1**

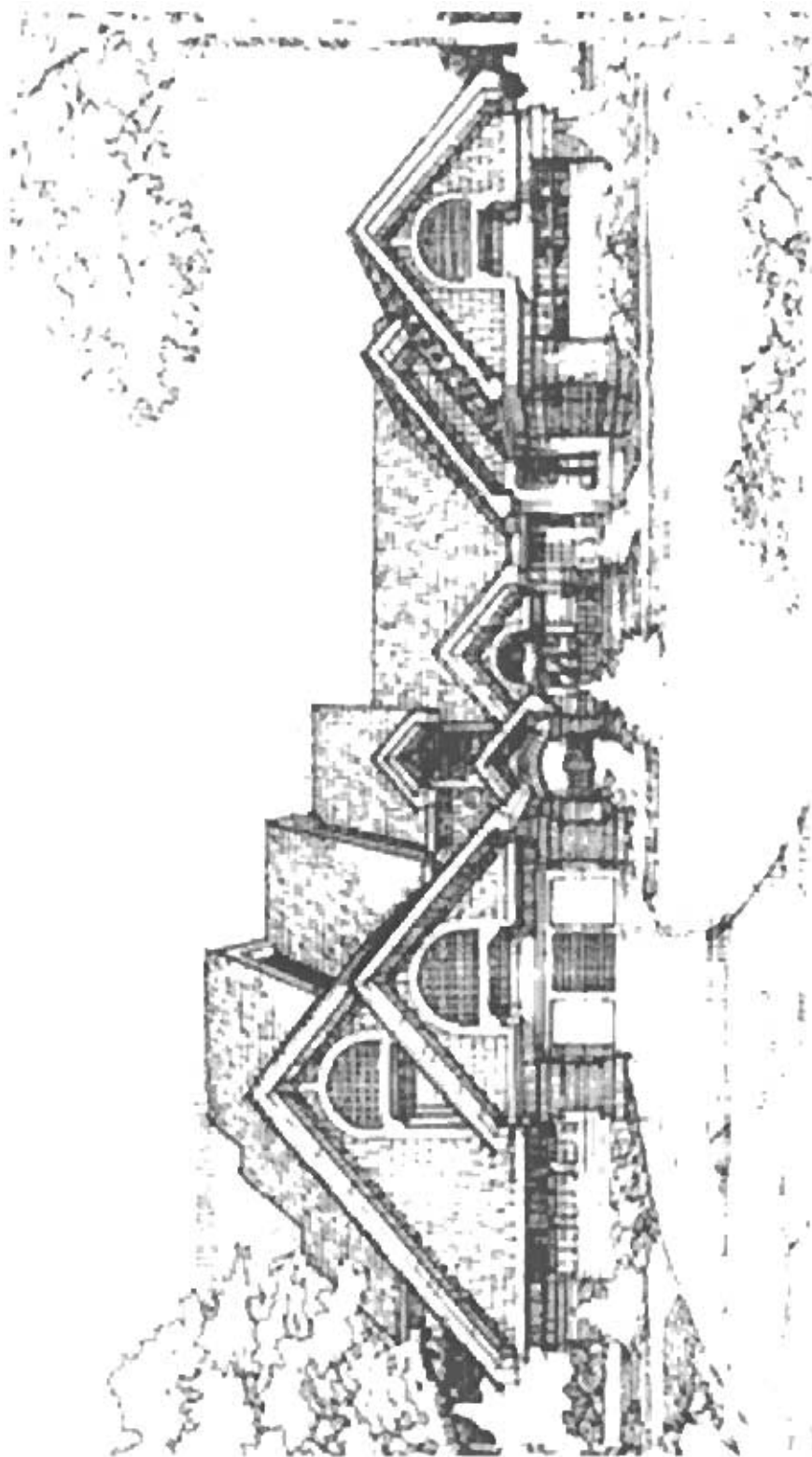


# KEYSTONE VILLAGE

TOWNHOMES DEVELOPED BY KEYSTONE HOMES IN WILDERNESS HILLS

SEP 25 2004

LANCASTER COUNTY PLANNING DEPARTMENT



# KEYSTONE VILLAGE

TOWNHOMES DEVELOPED BY KEYSTONE HOMES IN WILDERNESS HILLS

SEP 28 2004

NO. 1, AL. A. 11  
COUNTING 2004. 11



Engineering Design Consultants

2200 Fletcher Ave.  
Suite 102  
Lincoln, NE 68521  
Ph 402-438-4014  
Fx 402-438-4026

September 15, 2004

Brian Will  
Planning Department  
City-County Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Wilderness Hills  
Amendment to Community Unit Plan #1999  
EDC Job #04-036-20

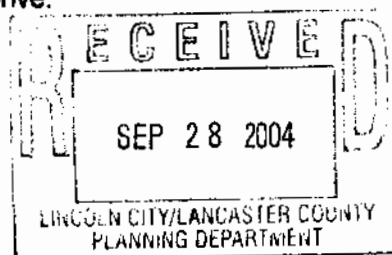
Dear Brian,

On behalf of Engineering Design Consultants client, Lincoln Federal Bancorp Inc., we hereby submit the following applications for the above referenced plat per the subdivision review process:

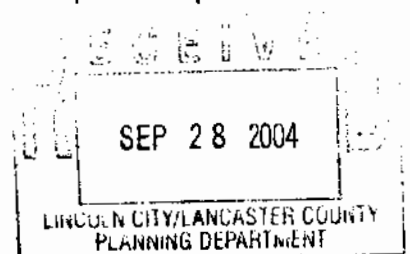
1. Amendment to Community Unit Plan #1999.
2. Application for a Street Name Change.

Keystone Village has been added to the Wilderness Hills Community Unit Plan as an upscale neighborhood that encompasses a unique townhouse arrangement coupled with landscaped common open space, a one acre park, and beautiful views overlooking the Wilderness Ridge Golf Course across South 27<sup>th</sup> Street. The following changes have been made to the Community Unit Plan:

1. Lots, Blocks, and Use Table
  - a. Lots 1 – 8, Block 2 – Two-Family.
  - b. Lots 9 – 24, Block 2 – Townhouse.
  - c. Lots 1 – 7, 35 – 43, Block 7 – Two-Family.
  - d. Lots 8 – 34, Block 7 – Townhouse.
  - e. Outlot E – Common green space.
  - f. Outlot F – Landscape Berm/Entrance Sign.
  - g. Outlot G – Entrance Sign.
2. The Community Unit Plan density calculations have been adjusted to reflect the changes made to the Community Unit Plan by this amendment.
3. Adobe Street has been extended and renamed to Keystone Drive.



4. CUP Site Note #7 has been changed to read: TWO-FAMILY LOTS CAN BE DEVELOPED AS SINGLE-FAMILY LOTS, EXCEPT FOR LOTS 1 – 8, BLOCK 2 AND LOTS 1 – 7, 35 – 43, BLOCK 7.
5. CUP site Note #9 has been added and reads: DIRECT VEHICULAR ACCESS TO WILDERNESS HILLS BLVD. FROM LOTS 1 – 5, BLOCK 2 IS HEREBY RELINQUISHED.
6. The following waivers are requested for this submittal:
  - a. A waiver is requested to Title 26, Section 26.23.130 to waive the maximum block length requirement of 1,320 feet for Keystone Drive. The long block through this development is required to obtain the uniqueness of the townhouse design and allows for the lot layout to work around the park located in the middle of the neighborhood.
  - b. A waiver is requested to Title 26, Section 26.23.140 for double frontage lots for Lots 1 – 5, Block 2. Double frontage lots are proposed to eliminate potential driveway conflicts with commercial traffic on Wilderness Hills Boulevard. CUP Note #9 indicates direct vehicular access to Wilderness Hills Boulevard shall be relinquished from these lots.
  - c. A waiver is requested to Title 26, Section 26.23.140 to waive the requirement that lots abutting a major street have 120 feet of lot depth for Lot 8, Block 2, due to additional Right-of-Way taking proposed to accommodate a right turn lane at the intersection of South 27<sup>th</sup> and Wilderness Hills Boulevard.
  - d. A waiver is requested to Title 26, Section 26.23.140 to waive the requirement that all lot lines must be radial to the streets for Lots 8 – 34, Block 7 and Lots 9 – 24, Block 2 to provide a unique neighborhood concept for the Wilderness Hills development (See enclosed exhibit showing proposed building orientation).
  - e. A waiver is requested to Title 27, Section 27.15.080 to reduce the minimum rear yard setback requirement in the R-3 zone from the smallest of 30 feet or 20 % of the depth to zero feet, for Lots 9 – 24, Block 2. To obtain a unique design for the townhouse area, a 20 foot outlot has been added to buffer the units from South 27<sup>th</sup> Street. Maintenance of the outlot is proposed to be the responsibility of the home owners association to provide a consistent landscaped area along the border of the townhouse development, enabling the townhouses to be marketed to those that are looking for minimal lawn upkeep. Adding this outlot reduces the lots length significantly and makes meeting a rear yard setback impossible to maintain a uniformed landscaped outlot and the overall unique concept of this proposed neighborhood.



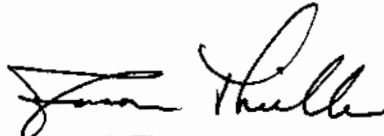
Wilderness Hills  
Amendment to Community Unit Plan #1999  
EDC Job #04-036-20  
September 15, 2004  
Page 3

- f. A waiver is requested to Title 27, Section 27.15.080 to reduce the minimum rear yard setback requirement in the R-3 zone from the smaller of 30 feet or 20 % of the depth to 10 feet for Lots 8 – 34, Block 7. The lots will back onto a common outlot and shared open space maintained by the home owners association creating a common green space and landscaped area to help achieve the unique design of the townhouse area. The common landscaped green space allows for the townhouses to be marketed to those who want minimal lawn upkeep.

If you have any additional questions or concerns please contact me at 438-4014 or at [jthiellen@edc-civil.com](mailto:jthiellen@edc-civil.com).

Sincerely,

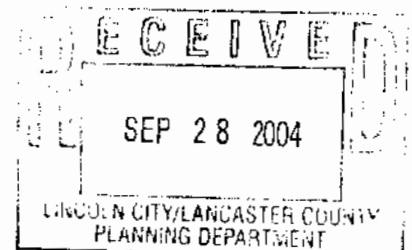
ENGINEERING DESIGN CONSULTANTS, L.L.C.



Jason M. Thiellen  
Land Planner

Enclosed:

8 Sets of Sheets 1 – 5, 12, 13, and 18  
21 Copies of Sheet 2  
Ownership Certificate  
Townhouse Exhibit  
Townhouse Elevation Exhibits



# Memorandum

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**To:** Brian Will, Planning Department

**From:** Chad Blahak, Engineering Services  
Dennis Bartels, Engineering Services

**Subject:** Wilderness Hills Amendment #1999 to Preliminary Plat

**Date:** October 7, 2004

**cc:** Randy Hoskins

Engineering Services has reviewed the amendment to the preliminary plat and CUP for Wilderness Hills located on the southeast corner of South 27th Street and Yankee Hill Road and has the following comments:

- **Water Main** - The water system is satisfactory.
- **Sanitary Sewer** - The following comments need to be addressed.
  - (2.1) The sanitary system is satisfactory.
- **Grading/Drainage** - The following comments need to be addressed.
  - (3.1) Revised detention/pond information needs to be provided to ensure that the detention requirements for the site are still being met by the revised detention pond.
  - (3.2) Information for the major storm pat at Area 'A5' in the drainage calculations appear to need revising. The calculations show a street section flow path. However, this is at a sump condition in the road. A swale will be required at this location and the appropriate capacity calculations need to be provided.
- **Streets** - The following comments need to be addressed.
  - (4.1) There does not appear to be a need for an additional block length waiver for Keystone Drive. The block length adjacent to South 27th Street was waiver with the original submittal.
  - (4.2) Public Works does not approve the requested waiver of design standards for pedestrian easement. There does not appear to be sufficient justification for the waiver.

**General** - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



# Memo



**To: Brian Will, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: October 7, 2004**

**Re: Wilderness Hills SPA 1999A**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. Before street trees may be assigned, all streets and roadways on the preliminary plat need to be identified as either public or private and labeled as such (on the layout of the streets and not just the cross sections).

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

INTER-DEPARTMENT COMMUNICATION



**DATE:** October 11, 2004  
**TO:** Brian Will, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS  
DN# 87S-30E

Attached is the C.U.P. for Wilderness Hills.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots, as noted.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

